

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
MARIO LAVANDEIRA, d/b/a Perez Hilton,

Plaintiff,

-against-
:

INFUSE, LLC, et al., d/b/a www.perezrevenge.com,
et al.,
:

Defendants.
-----X

ORDER

08 Civ. 11213 (JSR) (DF)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8-18-09</u>

JED S. RAKOFF, United States District Judge:

On the Court's understanding that, in a conference held in this case on August 11, 2009, before Magistrate Judge Debra Freeman, the parties informed the Court that they would be interested in attempting to mediate their dispute, except that Defendants would be hesitant to participate in mediation without first obtaining a judicial ruling on the question of whether Plaintiff Mario Lavandeira ("Lavandeira") has standing to bring this action; and it further being the Court's understanding that, in an effort to facilitate the mediation process, Magistrate Judge Freeman has offered to prepare a Report and Recommendation on the portion of the pending motion of defendant Elizabeth Silver ("Silver") to dismiss the Complaint (Dkt. 29) that specifically relates to the question of standing; it is hereby ORDERED, that:

1. the following motions are denied without prejudice to renew on the same papers already filed, subsequent to this Court's eventual ruling on the standing issue and a further case management conference before Magistrate Judge Freeman:

a. the pending motion by Lavandeira to dismiss or strike Silver's


counterclaims or affirmative defenses (Dkt. 15);

b. the recently-filed motions by Silver and Infuse LLC for miscellaneous relief (Dkts. 44, 45);¹ and

2. Magistrate Judge Freeman shall prepare a Report and Recommendation as to the portion of Silver's pending motion to dismiss the Complaint (Dkt. 29) that relates to the question of standing, and the remainder of that motion is denied without prejudice.

Dated: New York, New York
August 12, 2009

SO ORDERED



JED S. RAKOFF
United States District Judge

¹ Defendants are cautioned that any further motions (like those that have been docketed as Dkt. 44 and 45) that are brought in violation of the pre-motion conference requirement imposed by Magistrate Judge Freeman in this case (*see* Dkt. 30) will be summarily denied.